

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KYLE D. JERORE, #617824,

Plaintiff,

Civil Action No. 20-CV-12989

vs.

HON. BERNARD A. FRIEDMAN

PEOPLE OF THE STATE OF MICHIGAN,

Defendant.

_____ /

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION
TO PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS
AND DISMISSING THE COMPLAINT**

Plaintiff Kyle D. Jerore, presently confined at the Cooper State Correctional Facility in Jackson, Michigan, has filed a pro se motion seeking compassionate release under 18 U.S.C. § 3582(c)(1)(A) [docket entry 1]. Plaintiff has also filed an “application to proceed without prepayment of fees or costs” pursuant to 28 U.S.C. § 1915(a) [docket entry 12].

In the instant motion, plaintiff seeks home confinement “due to [his] life being in danger from the COVID-19 Pandemic.” Docket entry 1, PageID.1. Plaintiff subsequently supplemented his initial complaint through a series of letters [docket entries 6 and 7]. For example, in his January 4, 2021, letter, plaintiff adds that “due to negligence and a lack of care for human life COVID is spreading like wild fire” throughout his facility. Docket entry 7, PageID.14.

Section 3582(c)(1)(A) allows federally incarcerated individuals to seek compassionate release from federal district courts. However, this avenue for relief applies exclusively to inmates within the Federal Bureau of Prisons, not those in the state system. Federal district courts do not have jurisdiction to grant compassionate relief to an inmate outside of the federal system.

Section 1915(e)(2)(B)(ii) states that “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim on which relief may be granted.” In a similar vein, Fed. R. Civ. P. 12(h)(3) states that “[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the case.” Plaintiff is a state inmate confined at a state prison. The Court has no jurisdiction to entertain his request for compassionate release. Accordingly,

IT IS ORDERED that plaintiff’s application to proceed without prepayment of fees or costs is denied for failure to state a claim under § 1915(e)(2)(B)(ii).

IT IS FURTHER ORDERED that plaintiff’s complaint is dismissed under § 1915(e)(2)(B)(ii) and Rule 12(h)(3).

Dated: March 19, 2021
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 19, 2021.

Kyle D. Jerore #617824
Cooper Street Correctional Facility
3100 Cooper Street
Jackson, MI 49201

s/Johnetta M. Curry-Williams
Case Manager